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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/746,396	12/21/2000	Venson M. Shaw	12424RRUS01P	3361

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WITHROW & TERRANOVA, P.L.L.C.  
P.O. BOX 1287  
CARY, NC 27512

EXAMINER
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JAROENCHONWANIT, BUNJOB

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 02/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/746,396	<b>Applicant(s)</b> SHAW ET AL.	
	<b>Examiner</b> Bunjoo Jaroenchonwanit	<b>Art Unit</b> 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-4,12-19,27-34,41-44 and 51-55 is/are pending in the application.
- 4a) Of the above claim(s) 5-11,20-26,35-40,45-50 and 56-61 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,12-19,27-34,41-44 and 51-55 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Applicant's election without traverse of Invention Group I in the reply filed on 12/06/04 is acknowledged.

2. Claims 5-11 20-26 35-40 45-50 56-61 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected specie, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 12/06/04.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3,12-18, 27-33, 41-43 and 51-53 are rejected under 35 U.S.C. 102(e) as being anticipated by Brown (US. 2001/0039203).

5. Regarding claims 32, 41, 42 and 51, Brown discloses a method apparatus and computer program, hereinafter collectively referred to as a system, for an interactive dynamic behavior-based method of personalizing an e-game session, comprising: receiving detected player behavior and actions during the e-game session (receive player interaction 48, Fig. 5); comparing the detected player behavior and actions to predetermined behaviors and actions (mapping behavior, paragraph 63; Behavior pattern table 22, Fig. 3); and sending data to the player

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operable to dynamically alter at least one aspect of the e-game session in response to a match between the detected player behavior and actions to the predetermined behaviors and actions (paragraphs 37, 41-48, 62-63).

6. Regarding claims 1 and 13, in addition to the above rejection, further recited “a behavior monitor” “behavior matching engine” which are required in an interactive gaming system for determining response, thus such required limitations are inherent.

7. Regarding claims 3, 17, 33, 43 and 52-53, in addition to the above rejection, Brown discloses a player profile database operable to receive and store the detected specific behavior and action (paragraph 56-57); and a content database storing content presentable to the player to dynamically modify the e-game session in response to the determined response (database 16, and gaming engine 14, paragraph 64).

8. Regarding claims 2, 14-16, 18 and 28-31, Brown discloses a transaction server operable to receive the detected specific behavior and action from the behavior monitor and to pass them to the behavior matching engine (Brown discloses web server 12 has functionality equivalent to the transaction engine, because they receive user behavior and passing to gaming engine, which inherent a matching engine, i.e., interactive capability).

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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10. Claims 4, 19, 34, 44 and 54-55, are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown (US. 2001/0039203).

11. Regarding claims 4, 19, 34, 44 and 54-55, in addition to the above rejection; Brown does not express storing user profile data received at user registration. Official notice is taken that registration process, storing user data related to registration process was well known in the art at the time of the invention was made. Such registering information has been routinely utilized the most of the interactive, adaptation software environment, for governing the interactive or adaptation behavior dynamically. Thus, including well known storing registration information with Brown, interactive gaming system would have been obvious to one of ordinary skill in the art at the time of the invention was made, for the given rational.


12. Regarding claims 12 and 27, Brown discloses the behavior monitor resides in a computer being used by the user to execute an application associated with the communication session, the behavior monitor transmitting the detected user behavior and action to the behavior matching engine (user interact with client software at end user computing devices, paragraph 38).

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bunjob Jaroenchonwanit whose telephone number is (703) 305-9673. The examiner can normally be reached on 8:00-17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (703) 308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Bunjob Jarpenchonwanit  
Primary Examiner  
Art Unit 2143

/bj  
2/16/05